

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JUAN LOZADA-DELGADO,	:	
	:	
	:	
Petitioner,	:	Civ. No. 19-6138 (NLH)
	:	
v.	:	MEMORANDUM AND ORDER
	:	
ATTORNEY GENERAL OF THE STATE OF	:	
NEW JERSEY, et al.,	:	
	:	
Respondents.	:	

It appearing that:

1. Petitioner Juan Lozada-Delgado ("Petitioner"), a prisoner currently confined at the Federal Correctional Institution at Fort Dix in Fort Dix, New Jersey, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 regarding the execution of his sentence. ECF No. 1.

2. The Court issued an order to answer, and the Respondent file a full answer on the merits, arguing, inter alia, that Petitioner has failed to exhaust his administrative remedies. See ECF No. 6.

3. Petitioner has since filed a letter request to dismiss his Petition in order to exhaust his administrative remedies, see ECF No. 7, which the Court construes as a request pursuant

to Federal Rule of Civil Procedure 41(a)(2), because Respondent has already filed an answer.

4. Under Rule 41(a)(2), "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper."

5. The Court has considered Petitioner's request and, in light of the arguments provided by Respondent and Petitioner's concession regarding the exhaustion of administrative remedies, finds the request to be proper. The Court notes that there are no counter-, cross-, or third-party claims in this matter.

IT IS, therefore, on this 30th day of September, 2019,
ORDERED that Petitioner's request to voluntarily dismiss his Petition for Writ of Habeas Corpus brought pursuant to 28 U.S.C. § 2241 is GRANTED; and it is further

ORDERED that the Petition, ECF No. 1, is DISMISSED WITHOUT PREJUDICE; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular mail and mark this action closed.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.